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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,364	12/20/2001	Graham Johnson	BAI525-655/011043	9667

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,354

Applicant(s)

MAATTA ET AL.

Examiner

Meless N Zewdu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 15 is/are rejected.
- 7) ☐ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This action is the first on the merit of the instant application.
2. Claims 1-15 are pending in this action.

Drawings

The drawings are objected to because it lacks labeling. The sole figure need to be labeled (e.g., frequency selection table or frequency allocation by country). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because it lacks proper organization and clear presentation. Although a preliminary amendment is provided, the extent of it did not help remove the problem. A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 12-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney et al. (Blakeney) (WO 97/36443) in view of Crompton (US 4,907,290).

As per claim 1: a method of controlling a communication device to operate at or one or more pre-determined frequency values or ranges depending on the geographic location, said method comprising the steps of:

determining where the mobile communication device is in terms of geographic location using a global system for mobile communications network or similar information

reads on "443 (see page 4, lines 3-17; page 13, claims 1-7). The prior art system includes a GSM communication network/system (see page 5, lines 12-23. But, Blakeney does not explicitly teach about -- identifying frequency values or ranges available in and/or permitted in said determined geographical location and configuring said mobile communication device to be able to operate at said identified frequency values or ranges, as claimed by applicant. However, in a related field of endeavor, Crompton teaches about a mobile transmitter/receiver that achieves two-way communication using a plurality of short-range radio frequencies or channels selected from the thousands that may be used wherein different channels are used in different locations which may be only a short distance apart (see col. 3, lines 4-28). The mobile station transmitter/receiver reverts to lookup-table for referring to location; direction, frequency channel selection for each location (see abstract; col. 1, line 51-col. 2, line 64; col. 5, lines 21-68). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Blakeney with that of Crompton for the advantage of maintaining communication in a large variety of locations (see col. 1, lines 19-22).

As per claim 12: the features of claim 12 are similar to the features of claim 1, except claim 1 is a method claim and claim 12 is an apparatus claim required to carry out the method steps of claim 1. Hence, claim 12 is rejected on the same ground and motivation as claim 1.

As per claim 2: a method wherein one frequency value or range is selected for operation of said mobile communication device reads on '290 (see abstract).

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As per claim 3: a method wherein the frequency value or range to which said device is configured corresponds to a frequency value or range stored in memory of said device at which said device can operate reads on '290 (see col. 2, lines 39-64; col. 5, lines 21-68).

As per claim 5: a method wherein mobile phone network cell Identification data is used by software in said device to determine a geographical location reads on '443 (see page 3, lines 3-20; page 5, lines 3-11).

As per claim 11: a method wherein said mobile communication device is a mobile telephone reads on '443 (see abstract; page 3, lines 3-20). The subscriber station of the prior art is a mobile telephone.

As per claim 13: the feature of claim 13 is similar to the feature of claim 2. Hence, claim 13 is rejected on the same ground and motivation as claim 2.

As per claim 15: the feature of claim 15 is similar to the feature of claim 11. Hence, claim 15 is rejected on the same ground and motivation as claim 11.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney in vie of Crompton as applied to claims 1 and 3 above, and further in view of Kokubo et al. (Kokubo) (DE 19927243 A).

As per claim 4: in Blakeney in vie of Crompton, it is shown that a storage and lookup-table is used to carry out communication procedures. But, Blakeney in view of Crompton do not explicitly teach about a method of correlating cell Ids to country codes or other geographical locations, as claimed by applicant. However, in a related field of endeavor, Kokubo teaches about a technique of correlating a country code, a regional

code and a network code (see abstract, in particular, the detailed description).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the above references with the teaching of Kokubo for the advantage of a mobile receiver to maintain the current reception frequency if the country network codes agree, and if stored region code gives the program for the local region, whilst the demodulated code gives a program for a wider region (see abstract, in particular, Novelty).

As per claim 6: a method wherein mobile phone network directly transmits a country code to said device and/or the appropriate frequency data for the country or geographical location identified reads on '243 (see abstract).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney in view of Crompton as applied to claims 1 and 12 above, and further in view of Halminen (US 6,477,378 B1).

As per claim 7: but, Blakeney in view of Crompton do not explicitly teach about a software in said device configures said device to select either a 79 or 23 channel hop sequence and then a specific channel hop sequence for the correct group of channels for the determined geographical location, as claimed by applicant. However, in a related field of endeavor, Halminen teaches that a system wherein a communication device is configured to select either a 79 or 23 channel hop sequence and then a specific channel hop sequence for the correct group of channels for the determined geographical location (see col. 2, lines 28-51; col. 3, line 56-col. 4, line 61; col. 5, lines 19-51). The software presence is obvious from the flow charts of the figures and the implementation

of the technique as a whole. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Halmine for the advantage of utilizing low power radio frequency communication used for short-distance communication (see col. 1, lines 7-11).

Claims 9-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims above, and further in view of Gendel (US 6,608,821 B1).

As per claim 8: hopping sequence and location are obvious from the references discussed above. But, the references do not explicitly teach about --- defining ten selectable hopping sequences for selective use, as claimed by applicant. However, in a related field of endeavor, Gendel teaches, in an example form, that "ten frequencies, labeled f0 through f9 are used in the hop sequence." Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Gendel for the advantage of avoiding collision among multiple transmitters (see col. 1, lines 8-11).

As per claim 10: a method wherein said mobile communication device utilizes a Bluetooth system reads on '378 (see col. 1, lines 7-11; col. 3, line 56-col. 4, line 61).

As per claim 14: the feature of claim 14 is similar to the feature of claim 10. Hence, claim 14 is rejected on the same ground and motivation as claim 10.

Allowable Subject Matter

Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

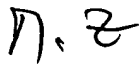
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu
Examiner



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

09 July 2004.